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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,796	10/30/2003	Ghaleb A. Sater	009.1002 (P1704/9725.JFC)	1735
28390 7590 11/21/2007 MEDTRONIC VASCULAR, INC. IP LEGAL DEPARTMENT 3576 UNOCAL PLACE SANTA ROSA, CA 95403			EXAMINER PRONE, CHRISTOPHER D	
			ART UNIT 3738	PAPER NUMBER
			NOTIFICATION DATE 11/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rs.vasciplegal@medtronic.com

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1 258 391 A2 Kaupp et al.

Kaupp discloses the same invention being a control apparatus for moving a shaft 24, the control apparatus comprising a housing 20 having a channel through its center (where shaft 24 is positioned) with multiple inclined opposing surfaces (the inner surfaces of housing 20, a pivotable actuator assembly having first and second spaced apart jaws 14. The jaws engage opposing inclined surfaces of the housing that allow them to be in a first nongripping position with a large dimension and a second gripping position where they engage the shaft and have a smaller dimension (figures 2a-2c). Kaupp further discloses another gripping surface (the inside surface of element 16) that is curved.

Response to Arguments

Applicant's arguments filed 9/20/07 have been fully considered but they are not persuasive. The applicant argues that neither element 10 nor spring 20 can be considered a housing. It is clear from figures 2a-c that the device comprises a housing. The housing contains the actuator assembly. Applicant acknowledged reference

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number 20 as the housing but argues that element 20 is a leaf spring not a housing. However leaf spring 20 surrounds and "houses" the actuator assembly so it therefore qualifies as a housing. In regards to the applicant's argument that the housing 20 fails to engage the shaft this is not claimed and is therefore moot. The applicant then argues that the device has no channel. When the shaft 24 is removed the device has an open center channel. The figures clearly show the channel filled with the shaft. Arrows are included to show the movement of the shaft within the channel. Applicant further argues that the separate jaws 14 fail to engage the shaft as shown in figure 2a, but as seen in figures 2b-c the jaws can and will engage the shaft causing it to move in other configurations. In order to put the application in better condition for allowance the examiner suggests claiming that the control apparatus "comprises an actuator lever directly coupled to two spaced apart jaws".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Prone whose telephone number is (571) 272-6085. The examiner can normally be reached on Monday Through Fri 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher D Prone
Examiner
Art Unit 3738


CDP


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